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W-152

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT

BILASPUR

Single Bench

C.R. NO. 38 OF 2005.

APPLICANT

:- Branch Manager, For United India

NON-APPLICANT No. 1

Insurance Company Limited, Address

68 Indira Commercial Complex, T.P.

Nagar, Korba, District Korba (C.G.).

VERSUS

NON-APPLICANTS

S:- 1. Smt. Purnima Dutta, aged about 31 yrs.,

Wife of Late Narottam Dutta,

**S2. Minor Akshit Dutta, aged about 7
years, son of Late Narottam Dutta,
Through his mother and Legal guardian
Smt. Purnima Dutta,**

**Both resident of Plot No. 111, Near Water
Tank, Kosabadi, Korba, District Korba
(Chhattisgarh),**

**P.R. No. 752/05
Presented by Shri. Purnima Dutta
dated 12.03.05**

DECREE HOLDER

**S 3. Branch Manager, For National
Insurance Co. Ltd., Address Minu
Complex, Kosabadi, Korba, District
Korba (Chhattisgarh).**

NON-APPLICANT NO. 2

CIVIL REVISION UNDER SECTION 115 OF CODE OF CIVIL

PROCEDURE

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक

C R NO. 38105
सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>27.06.2005</u> Shri H. B. Agrawal, Senior Advocate with Smt Sangeeta Mishra, Advocate for the applicant. Shri M. K Baid, counsel for the respondents. Heard on admission. <i>Sections 3 and 115 (1) of the CPC read as below :</i> <i>" 3- Subordination of Courts- For the purpose of this Code, the District Court is subordinate to the High Court and every Civil Court of a grade inferior to that of a District Court and every Court of Small Causes is subordinate to the High Court and District Court.</i> <i>115-(1) The High Court may call for the record of any case which has been decided by any Court subordinate to such High Court and in which no appeal lies thereto, and if such subordinate Court appears __</i> <i>a) to have exercised a jurisdiction not vested in it bylaw, or</i> <i>b) to have failed to exercise a jurisdiction so vested, o</i>	

[पीछे देखिये]

आदेश पत्रक

मामला क्रमांक CR-38/05 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<i>c) to have acted in the exercise of its jurisdiction illegally or with material irregularity.</i> <i>the High Court may make such order in the case as it thinks fit"</i> Motor Accidents Claims Tribunals are constituted under Section 165 of the Motor Vehicle Act. Although these tribunals are presided over by judicial officers, but being a tribunal constituted under a special enactment, in view of Section 3 of the C.P.C., such tribunal does not come within the edifice of subordinate Court for the purpose of C.P.C., and Section 115 of it. Therefore, Section 115 of the C.P.C., does not attract to orders passed by the claims tribunal. The petition is not maintainable, hence it is dismissed.	Sd/- V.K.Shrivastava Judge